

**Before the  
FEDERAL COMMUNICATION COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Request for Review by Colegio	)	
San Antonio Abad of Decision of	)	Form 471 Application No. 294102
the Universal Service Administrator	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	
	)	

TO: Wireline Competition Bureau  
Telecommunications Access Policy Division

**REQUEST FOR REVIEW**

Pursuant to Sections 54.719(c) and 54.721 of the Federal Communications Commission (“Commission” or “FCC”) rules, 47 C.F.R. §§ 54.719(c) and 54.721 (2003), Colegio San Antonio Abad (“San Antonio Abad”) hereby appeals the decision of the Schools and Libraries Division (“SLD”) of the Universal Service Administrative Company to reduce the requested discount in Funding Year 2002 (07/01/2002 – 06/30/2003) from 90 to 60 percent.

**I. BACKGROUND**

On January 4, 2002, San Antonio Abad filed a FCC Form 471 with the SLD indicating the services for which it was requesting discounts under the schools and libraries universal service support mechanism (the “E-rate program”).<sup>1</sup> On Block 4 of its 471 application, San Antonio Abad indicated that 386 out of 460 students enrolled during the 2001-2002 academic year qualified for a free or reduced price lunch under the National School Lunch Program

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<sup>1</sup> FCC Form 471 No. 294102, Colegio San Antonio Abad, filed January 4, 2002 (Exhibit A).

(“NSLP”) and requested a 90 percent discount on all of its funding requests.<sup>2</sup> During its review of San Antonio Abad’s application, the SLD requested documentation supporting the eligible discount rate for the school.<sup>3</sup> Specifically, the information request, which was delivered to San Antonio Abad in Spanish, requested the following information:

1. The total number of enrolled students for the 2001-2002 school year; the number of students – by grade – that actually participate in the national school lunch program, excluding pre-K students and teachers; the number of students below the poverty level (actual number, not a percentage); whether the school is located in an urban or rural zone;
2. A sample copy of the socioeconomic survey conducted by the school, without the name of the teachers, but including the rest of the information. A sheet on school letterhead with the school seal and the school director’s signature;
3. The number of students that will use the eligible services; and
4. Copy of a telephone bill used to calculate the total amount requested in telecommunications services support.

In March 2002, San Antonio Abad provided the information requested to the SLD.<sup>4</sup> In its response, San Antonio Abad indicated that there were 460 enrolled students, that it does not participate in the NSLP and, therefore, it was unable to provide a number of students that *actually participate* in the program, that 386 students were estimated to be below the poverty level, that San Antonio Abad was located in a rural zone, and that 452 to 465 students were expected to make use of the services requested. San Antonio Abad also provided a sample copy of the socio-economic survey and a copy of its telephone bill.

On March 1, 2004, two years after the SLD requested and San Antonio Abad provided the above-referenced information, the SLD issued a funding commitment decision letter reducing the discount rate from 90 to 60 percent. The SLD provided the following explanation: *The site*

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<sup>2</sup> The specific Funding Request Numbers (FRNs) are 752952, 752956 and 752962.

<sup>3</sup> See Letter from Adolfo A. Arauz, Schools and Libraries Division, Program Integrity Assurance, to Abad Oscar Rivera, Director, Colegio San Antonio Abad, dated February 23, 2002 (Exhibit B).

<sup>4</sup> See Letter from Abad Oscar Rivera, Director, Colegio San Antonio Abad, to Adolfo A. Arauz, Schools and Libraries Division, Program Integrity Assurance, dated March 2002 (Exhibit C).

*specific discount was corrected. Funding cap will not provide for Internal Connections < 90% discount to be funded.*” Because there was no explanation by the SLD as to why it decided to fund less than 90 percent, San Antonio Abad contacted the SLD for clarification. Specifically, San Antonio Abad inquired into the SLD’s decision to adjust its 471 application to reflect that only 200 students qualified for the NSLP and sent the following inquiry to the SLD via electronic mail:

The 471 submitted by the school and posted at the SLD site in Block 4 at this moment is showing numbers different from the originally posted. When submitted and until March 3, 2004, Block 4 item 5 of the referenced 471 showed in NSLP Students 386, in item 8, weighted product 414. At this moment the Block 4 item 5 shows 200 and item 8 shows 276. Evidently those numbers were adjusted. It is important for us to know why those numbers were changed, who does it, and why?<sup>5</sup>

On March 26, 2004, the SLD issued the following reply:

Thank you for your inquiry. This information is reviewed by the Program Integrity Assurance person who reviewed your form. They base the student count on the actual number of students that qualify for the NSLP through the surveys that you have provided them. If you disagree with the decision made by the SLD concerning your application, here is a direct link to the Appeals Procedures currently listed on our website....<sup>6</sup>

On April 28, 2004, San Antonio Abad appealed the SLD’s decision to reduce the 90 percent discount.<sup>7</sup> In its appeal, San Antonio Abad explained that, in August 2001, it sent a survey to the 460 families of the students enrolled during the 2001-2002 academic year. The survey, which had been provided to the SLD during the PIA review process, asked parents to

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<sup>5</sup> See electronic mail from Abad Oscar Rivera, Director, Colegio San Antonio Abad, to Schools and Libraries Division, Universal Service Administrative Company, dated March 26, 2004 (Exhibit D).

<sup>6</sup> *Id.*

<sup>7</sup> See Letter of Appeal from Abad Oscar Rivera, Director, Colegio San Antonio Abad, to Schools and Libraries Division, Universal Service Administrative Company, dated April 28, 2004 (Letter of Appeal) (Exhibit E).

provide the size of the family, the number of students enrolled in the school, and the household income. Out of the 460 surveys distributed, 238 (52 percent) of the students completed the survey. From the 238 completed surveys, 200 (84 percent) were determined to be eligible for a free or reduced price lunch under the NSLP in accordance with the Income Eligibility Guidelines of the U.S. Department of Agriculture.<sup>8</sup> Because San Antonio Abad sent a survey to the families of each and every enrolled student, and because it received a return rate of at least 50 percent of those surveys, San Antonio Abad used the number of surveys received (*i.e.*, 200) to project the percentage of students eligible under the NSLP. Following the SLD's projection guidelines, San Antonio Abad concluded 386 students, or 84 percent of its student population, qualified for a free or reduced-price lunch under the NSLP. Using the discount matrix set forth in the FCC rules, a school with 84 percent of its student population eligible for the national school lunch program and located in a rural zone qualifies for a 90 percent discount.<sup>9</sup>

On October 13, 2004, the SLD denied the appeal alleging that the survey used in support of the 90 percent discount failed to meet the minimum requirements as outlined on the USAC website.<sup>10</sup> Specifically, the SLD stated:

[t]he requirements are that the survey must be sent to all families whose children attend the school, the survey must attain a return rate of at least 50% and the survey must, at a minimum, contain the following information: address of family, grade level of each child, size of the family and income level of the parents. The survey you submitted was blank and also failed to include a request for the address of the family and the grade level of each child. The documentation provided does not demonstrate that SLD erred in its original decision.

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<sup>8</sup> See *Letter of Appeal*, Annex 3 (titled "*Tabulacion de Encuesta Estudio Socio-Economico, Colegio San Antonio Abad 2001-2002*").

<sup>9</sup> See 47 C.F.R. § 54.505(c).

<sup>10</sup> See Letter from the Schools and Libraries Division, Universal Service Administrative Company, to Abad Oscar Rivera, Colegio San Antonio Abad, dated October 13, 2004 (SLD Decision) (Exhibit F).

## **II. SAN ANTONIO ABAD CORRECTLY DETERMINED THE PERCENTAGE OF STUDENTS ELIGIBLE FOR A FREE OR REDUCED-PRICE LUNCH UNDER THE NSLP.**

Under the Commission's rules, the discount available to a particular school is determined by indicators of poverty and high relative cost of service.<sup>11</sup> First, the level of poverty for schools is measured by the percentage of their student enrollment that is eligible for a free or reduced-price lunch under the NSLP or a federally-approved alternative mechanism outlined in Title I of the Improving America's School Act (IASA).<sup>12</sup> These federally-approved alternative mechanisms include data comparable to the NSLP data that is collected through surveys. As the Commission has acknowledged, surveys are particularly relevant to schools that may not have access to NSLP data, such as private schools.<sup>13</sup> Second, a school's high-cost status is derived from rules that classify it as urban or rural.<sup>14</sup> The Commission's rules provide a matrix reflecting both the school's urban or rural status and the percentage of its students who are eligible for the school lunch program to establish its discount rate, ranging from 20 percent to 90 percent.<sup>15</sup>

Because NSLP data is unavailable for San Antonio Abad, it used a federally-approved alternative mechanism that relies on actual counts of low-income children to determine the level of poverty. The school collected this information from surveys that it sent to the homes of all of its students (460 in total). Out of the 460 surveys distributed, 238 (52 percent) of the students completed the survey. From the 238 completed surveys, 200 (84 percent) were determined to be

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<sup>11</sup> 47 C.F.R. § 54.505(b).

<sup>12</sup> 47 C.F.R. § 54.505(b)(1); *Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, FCC 97-157, 12 FCC Rcd 8776, ¶¶ 508-09 (rel. May 8, 1997).

<sup>13</sup> See *School for Language and Communication Development*, DA 02-1785, Order, 17 FCC Rcd 15166 (released Aug. 6, 2002).

<sup>14</sup> 47 C.F.R. §§ 54.505(b)(3)(i), (ii).

<sup>15</sup> 47 C.F.R. § 54.505(c).

eligible for a free or reduced price lunch under the NSLP. San Antonio Abad used this data to project that 386 out of the 460 students (84 percent) were eligible under the NSLP. This projection was conducted following, step by step, the example provided by the SLD on its website, which reads as follows:

If a school has sent a questionnaire to all of its families, and if it receives a return rate of at least 50 percent of those questionnaires, it may use that data to project the percentage of eligibility for E-rate purposes for all students in the school. For example, a school with 100 students sent a questionnaire to the 100 homes of those students, and 75 of those families returned the questionnaire. The school finds that the incomes of 25 of those 75 families are at or below the IEG for NSLP. Consequently, 33 percent of the students from those families are eligible for E-rate purposes. The school may then project from that sample to conclude that 33 percent of the total enrollment, or 33 of the 100 students in the school, are eligible for E-rate purposes.<sup>16</sup>

In its denial letter, the SLD acknowledges that, *“the school clearly answered the question regarding the number of students below the poverty level, which was 386.”* However, at no point has the SLD indicated why it lowered the number of students eligible under the NSLP from 386 to 200 on the school’s 471 application, nor does its denial letter dispute the accuracy of the school’s data or the methodology by which the school arrived at the 386 figure. Therefore, it appears that the SLD made a mistake in not using the data submitted by the school, which was supported by the documents provided during the application review.<sup>17</sup>

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<sup>16</sup> See <http://www.sl.universalservice.org/reference/alt.asp#7> (last visited on Dec. 9, 2004) (Exhibit G).

<sup>17</sup> See <http://www.sl.universalservice.org/reference/AppealsSLDGuidelines.asp> (“If the SLD makes a mistake ... and the appeal points out that mistake ... the SLD will grant the appeal.”)

### III. THE SLD ERRONEOUSLY CONCLUDED THAT THE SURVEY SUBMITTED IN SUPPORT OF THE 90 PERCENT DISCOUNT FAILED TO MEET THE MINIMUM REQUIREMENTS.

San Antonio Abad submitted to the SLD exactly what it was asked to submit: (a) the total number of students (460 students), (b) the number of students that *actually participate* in the NSLP (not applicable because San Antonio Abad does not, like most other private schools, participate in the NSLP), (c) the number of students below the poverty level (386 students), (d) whether San Antonio Abad is located in an urban or rural zone (rural zone); and (e) the number of students that would use the eligible services (between 452 and 465). In addition, San Antonio Abad provided a sample copy of the socio-economic survey conducted by the school and a copy of its telephone bill.

The SLD states that, “the survey you submitted was blank and also failed to include a request for the address of the family and the grade level of each child.”<sup>18</sup> However, in its February 2002 request for information, the SLD did not request a completed survey. The information request asked, in Spanish, for “*una copia ejemplar del estudio socioeconomico, en cual no aparezca el nombre del docente, sino el resto de la informacion.*” A translation of this request in English reads, “*a sample copy of the socio-economic study, which does not display the name of the teacher, but which displays the rest of the information.*” San Antonio Abad reasonably interpreted this request as a request for copy of the form of the survey used to poll the students, not as a request for a copy of one of the completed surveys. Because what San Antonio Abad submitted was a survey form, it was not completed, nor did it contain the address of the family or the grade level of each child. San Antonio Abad keeps all completed surveys on file, and it would have provided the SLD with a copy of a completed survey had the SLD asked for it. Had the SLD contacted the school to clarify its request, the school would have complied

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<sup>18</sup> SLD Decision at p. 2.

immediately. Furthermore, the letter of denial states that San Antonio Abad did not provide “the grade level of *each* child,” which implies that the SLD wanted a copy of *all* the surveys.

However, the SLD never requested copies of all the surveys, only a sample copy, which was provided to the SLD.

#### **IV. CONCLUSION**

San Antonio Abad provided clear evidence to the SLD that it qualified for a 90 percent discount under the E-rate program since 386 out of 460 students (84 percent of the student population) were eligible for a free or reduced price lunch under the NSLP. This data was collected through a survey that was conducted in accordance with the SLD’s guidelines. Furthermore, the school provided the SLD with all the information that was requested during the application review process. Therefore, the SLD erred in its decision to reduce the discount rate from the requested 90 to 60 percent. San Antonio Abad respectfully requests that the Commission reverse the SLD’s denial of the school’s appeal and reinstate its application to be funded at a 90 percent discount.

Respectfully submitted,

**COLEGIO SAN ANTONIO ABAD**

/s/ Abad Oscar Rivera  
Abad Oscar Rivera, OSB  
Director, Colegio San Antonio Abad  
P. O. Box 729  
Humacao, PR 00792  
Tel: (787) 852-1616  
Fax: (787) 852-1920

December 13, 2004



### **CERTIFICATE OF SERVICE**

I, Abad Oscar Rivera, hereby certify that a true and correct copy of the foregoing **Request for Review** was served, this day, December 13, 2004, via the Commission's Electronic Comment Filing Service upon Marlene H. Dortch, Secretary, Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Washington, DC 20554.

/s/ Abad Oscar Rivera  
Abad Oscar Rivera, OSB  
Director, Colegio San Antonio Abad

# Exhibit A

Exhibit A

Page 1 of 4

**Services Ordered and Certification Form 471  
Application Display****Applicant's Form Identifier:** SAN06002**471 Application Number:** 294102**Cert. Postmark Date:** 01/04/2002**Out of Window Letter Date:** Not applicable**Funding Year:** 07/01/2002 - 06/30/2003**Form Status:** CERTIFIED - In Window**Billed Entity Number:** 200272**RAL Date:** 01/15/2002**Name:** Colegio San Antonio Abad**Address:** Carretera 908 Km 2.2**City:** Humacao **State:** PR **Zip:** 00792**Contact Name:** Oscar Rivera, Abad**Address:** Carretera 908 Km 2.2**City:** Humacao **State:** PR **Zip:** 00792**Type of Application:** SCHOOL**Ineligible Orgs:** N**Number of students to be served:** 460**Number of library patrons to be served:**

SERVICE DESCRIPTION	BEFORE ORDER	AFTER ORDER
a. (Schools/districts/consortia only) Telephone service: How many classrooms had phone service before and after your order?	3	3
b. High-bandwidth voice/data/video service: How many buildings served before and after your order?	0	7
c. High-bandwidth voice/data/video service: Highest speed to a building before and after your order?	0	1
d. Dial-up Internet connections: How many before and after your order?	0	1544
e. Dial-up Internet connections: Highest speed before and after your order?	0	1
f. Direct connections to the Internet: How many before and after your order?	0	56
g. Direct connections to the Internet: Highest speed before and after your order?	0	1
h. Internet access(for schools): How many rooms have Internet access before and after your order?	0	1544
j. Internet Access: How many computers (or other devices) with Internet access before and after your order?	0	45

Exhibit A  
Page 2 of 4

**Worksheet A No: 349538**      **Student Count: 460**  
**Weighted Product (Sum. Column 8): 414**      **Shared Discount: N/A**

1. School Name: Colegio San Antonio Abad  
 2. Entity Number: 200272      3. Rural/Urban: Urban  
 4. Student Count: 460      5. NSLP Students: 386      6. NSLP Students/Students: 83.913%  
 7. Discount: 90%      8. Weighted Product: 414

<b>FRN: 752952      FCDL Date:</b>	
<b>11. Category of Service:</b> Telecommunications Service	<b>12. 470 Application Number:</b> 761820000375798
<b>13. SPIN:</b> 143012431	<b>14. Service Provider Name:</b> Puerto Rico Telephone Company, Inc.
<b>15. Contract Number:</b> T	<b>16. Billing Account Number:</b> 787-852-1616
<b>17. Allowable Contract Date:</b> 12/10/2001	<b>18. Contract Award Date:</b>
<b>19a. Service Start Date:</b> 07/01/2002	<b>19b. Service End Date:</b> 06/30/2003
<b>20. Contract Expiration Date:</b>	
<b>21. Attachment #:</b> 1	<b>22. Block 4 Entity Number:</b> 200272
<b>23a. Monthly Charges:</b> \$500.00	<b>23b. Ineligible monthly amt.:</b> \$0.00
<b>23c. Eligible monthly amt.:</b> \$500.00	<b>23d. Number of months of service:</b> 12
<b>23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d):</b> \$6,000.00	
<b>23f. Annual non-recurring (one-time) charges:</b> \$0.00	<b>23g. Ineligible non-recurring amt.:</b> \$0.00
<b>23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g):</b> \$0.00	
<b>23i. Total program year pre-discount amount ( 23e + 23h):</b> \$6,000.00	
<b>23j. % discount (from Block 4):</b> 90	
<b>23k. Funding Commitment Request ( 23i x 23j):</b> \$5,400.00	

<b>FRN: 752956      FCDL Date:</b>	
<b>11. Category of Service:</b> Internet Access	<b>12. 470 Application Number:</b> 761820000375798
<b>13. SPIN:</b> 143022659	<b>14. Service Provider Name:</b> A New Vision in Educational Services and Materials (NEVESEM)
<b>15. Contract Number:</b> MTM	<b>16. Billing Account Number:</b> SAN02008
<b>17. Allowable Contract Date:</b> 12/10/2001	<b>18. Contract Award Date:</b>
<b>19a. Service Start Date:</b> 07/01/2002	<b>19b. Service End Date:</b> 06/30/2003

Exhibit A  
Page 3 of 4**20. Contract Expiration Date:**

<b>21. Attachment #:</b> 2	<b>22. Block 4 Entity Number:</b> 200272
<b>23a. Monthly Charges:</b> \$3,861.00	<b>23b. Ineligible monthly amt.:</b> \$.00
<b>23c. Eligible monthly amt.:</b> \$3,861.00	<b>23d. Number of months of service:</b> 12
<b>23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d):</b> \$46,332.00	
<b>23f. Annual non-recurring (one-time) charges:</b> \$1,600.00	<b>23g. Ineligible non-recurring amt.:</b> \$.00
<b>23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g):</b> \$1,600.00	
<b>23i. Total program year pre-discount amount ( 23e + 23h):</b> \$47,932.00	
<b>23j. % discount (from Block 4):</b> 90	
<b>23k. Funding Commitment Request ( 23i x 23j):</b> \$43,138.80	

<b>FRN:</b> 752962	<b>FCDL Date:</b>	
<b>11. Category of Service:</b> Internal Connections	<b>12. 470 Application Number:</b> 761820000375798	
<b>13. SPIN:</b> 143022659	<b>14. Service Provider Name:</b> A New Vision in Educational Services and Materials (NEVESEM)	
<b>15. Contract Number:</b> ONE TIME	<b>16. Billing Account Number:</b> SAN02008	
<b>17. Allowable Contract Date:</b> 12/10/2001	<b>18. Contract Award Date:</b> 12/15/2001	
<b>19a. Service Start Date:</b> 07/01/2002	<b>19b. Service End Date:</b>	
<b>20. Contract Expiration Date:</b> 06/30/2003		
<b>21. Attachment #:</b> 3	<b>22. Block 4 Entity Number:</b> 200272	
<b>23a. Monthly Charges:</b> \$.00	<b>23b. Ineligible monthly amt.:</b> \$.00	
<b>23c. Eligible monthly amt.:</b> \$0.00	<b>23d. Number of months of service:</b> 12	
<b>23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d):</b> \$0.00		
<b>23f. Annual non-recurring (one-time) charges:</b> \$101,179.00	<b>23g. Ineligible non-recurring amt.:</b> \$.00	
<b>23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g):</b> \$101,179.00		
<b>23i. Total program year pre-discount amount ( 23e + 23h):</b> \$101,179.00		
<b>23j. % discount (from Block 4):</b> 90		
<b>23k. Funding Commitment Request ( 23i x 23j):</b> \$91,061.10		

24a. Schools: Y

24b. Libraries or Library Consortia: N

26a. Individual Technology Plan: N

26b. Higher-Level Technology Plan(s): Y

26c. No Technology Plan Needed:

27a. Approved Technology Plan(s): Y

27b. State Approved Technology Plan: N

27c. No Technology Plan Needed:

Exhibit A  
Page 4 of 4

<< Previous

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# Exhibit B

Feb-23-2002 11:54am From-

T-979 P.001/001

Sr. Oscar Rivera  
Colegio San Antonio Abad

RE: Solicitud # 294102

Estimado Sr. Rivera:

Hemos comenzado la revisión de esta solicitud al Programa E-Lite para el año 2002-2003 cual el Colegio San Antonio Abad ha iniciado por medio del Consorcio de Bibliotecas y Colegios Privados de la Isla.

Para seguir adelante con este proceso precisamos lo siguiente:

1. -el numero total de estudiantes matriculados para el año que acaba de terminar 2001-02.

-el número de estudiantes (mayores de pre-K) que participan y aparecen en el informe del comedor POR CADA NIVEL, exceptuando los guardiones, profesores, etc.


-el numero de estudiantes que se encuentran por debajo del nivel de pobreza.  
(no porcentajes, Por Favor.)

-Y, si la entidad se encuentra en zone urbana o rural

2. Una copia ejemplar del estudio socioeconómico, en cual no aparece el nombre del docente, sino el resto de la información. Una hoja con su ensabzamiento (membrete), el sello y su firma.
3. -el programa precisa conocer aproximadamente cuantos usuarios juveniles (mayores de pre-K) usaran los servicios solicitados o contratados con Nivesem, Inc.
4. Finalmente, precisamos la factura mensual telefonica en cual su entidad ha basado su pedido de fondos para gastos telefonicos.

Todos informes deben ser enviados hacia SLD durante los proximos siete (7) dias o tendre que seguir adelante con los datos que tengo a mi disposicion actualmente. Reconozco que lo pedido es muy elaborado, pero su ayuda nos habilitara la distribucion de fondos a esta entidad. Si Urd. tiene alguna inquietud o pregunta, no se haga problema de comunicarse conmigo lo cuanto antes.

Respetuosamente,

  
Adolfo A. Arauz  
Schools & Libraries  
Program Integrity Assurance  
PH 1-973-428-7336  
Fax 1-973-599-6521

This is the question related to the number of students below the poverty level. Actually the language used by the SLD is *students that qualify for reduced - price and free lunch under the national School Lunch Program.*



# Exhibit C



# Colegio San Antonio Abad

PO Box 729, Humacao, Puerto Rico 00792 • Teléfono (787) 852-1616 • Fax (787) 852-1920

Sr. Adolfo A. Araúz,  
School & Libraries,  
Program of Integrity Assurance  
Ph 973-428-7356  
Fax 973-599-6521

Re: Solicitud # 294102

This is the answer to question related to  
the number of students below the poverty  
.....

Estimado Sr. Araúz:

¡Paz! Respondemos a su petición de documentos en la revisión de nuestra solicitud al Programa de E-rate para el año 2002-2003.

1

1.1 El número de estudiantes matriculados para el año 2001-2002: 460 estudiantes, 226 en la escuela intermedia y 234 en la escuela superior.

1.2 Esta información no aplica ya que no solicitamos bajo la razón de comedores escolares

1.3 El número de estudiantes que se encuentra bajo el nivel de pobreza es de 386 estudiantes

Esto es calculado, ya que hicimos la encuesta y participaron 238 estudiantes (de 460), o sea, un 52% de los estudiantes. De los cuales el 84% está bajo el nivel de pobreza.

1.4 La entidad está en zona rural.

2. Adjunto le damos una copia ejemplar del estudio socioeconómico, una copia del Colegio con el encabezamiento y el sello del Colegio y con mi firma (o sea dos hojas en total, de las cuales la última tiene todos los últimos detalles pedidos)

3. Usuarios juveniles usarán los servicios solicitados con Nevessem, Inc.: entre 452 y 465 estudiantes, ya que pudiéramos tener un aumento en la matrícula.

4. Adjunto la factura mensual telefónica en la que basamos el pedido de fondos para gastos telefónicos

Queda de usted,

+ Oscar Rivera, OSB

Abad Oscar Rivera, OSB  
Director CSAA

# Exhibit D

+Oscar Rivera, Oxb

>From: sldnoreply@sl.universalservice.org >To: abadiasanantonioab8@hotmail.com  
>Subject: RE: Initial Contact, Case 21-063959 >Date: 26 Mar 2004 10:20:36 -0500 >  
>Thank you for your inquiry. This information is reviewed by the Program Integrity Assurance person who reviewed your form. They base the student account on the actual number of students that qualify for the NSLP through the surveys that you have provided them. > >If you disagree with the decision made by the SLD concerning your application, here is a direct link to the Appeal Procedures currently listed on our website:  
<<http://sl.universalservice.org/reference/AppealsProcedureYR4.asp>>. > >Appeals Procedure > >If you wish to appeal a decision of the Schools and Libraries Division (SLD), you may do so either by writing a letter of appeal to the SLD or to the Federal Communications Commission (FCC). A description of what you need to include and how to file such letters appears in Sections I and II below. > >Your appeal must be POSTMARKED no later than 60 days after the date of the SLD decision. This deadline applies to appeals filed with the SLD and appeals filed with the FCC. > >While you may appeal directly to the FCC, you are encouraged to appeal first to the SLD so that the SLD has an opportunity to review your appeal and grant it, if appropriate. > >If you disagree with the SLD's response to your appeal of that decision, you may then file an appeal with the FCC. Your appeal must be postmarked no later than 60 days after the date of the SLD's decision. However, the FCC overturns SLD decisions infrequently. >If you disagree with the FCC's response to your letter, you may then file a petition for reconsideration with the FCC. Petitions for reconsideration are excluded from the 60-day deadline since they must, by statute, be RECEIVED by the FCC within 30 days of the FCC decision. For details on how to submit petitions for reconsideration, consult 47 C.F.R. Â§1.106, which can be found in Title 47 of the Code of Federal Regulations. >  
>Waiver Requests. A waiver is a request to waive an FCC policy, rule or deadline, such as the Form 471 application filing window deadline. For example, if you missed the filing deadline for Form 471 because of extenuating circumstances, the SLD cannot waive the deadline but you can ask the FCC to waive the rules in your case by filing a waiver request. To file a waiver request, follow the instructions listed in Section II below. Please note that waivers are not granted often: only in special circumstances and when a deviation from the rules would serve the public interest. The waiver standard generally requires a showing of circumstances that could not be avoided even with careful planning. > >You can look at FCC orders relating to both appeals and waiver requests at the FCC web site's Appeals Page. > >I. For Appeals Filed Directly with the SLD >  
>A. How to prepare your letter of appeal: > >Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily >discuss this appeal with us. > >State outright that your letter is an appeal. Identify which SLD Decision(s) you are appealing. Indicate the relevant funding year and the date of the document. Your letter of appeal must also include the Billed Entity Name, the relevant form application number (if available), and the Billed Entity Number. >  
>When explaining your appeal, copy the language or text from the decision that is at the heart of your appeal to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to

the Secretary >9300 East Hampton Drive >Capitol Heights, MD 20743 (8:00 a.m. to 5:30 p.m. ET) >>For hand-delivered or messenger-delivered items, use the following address:  
>>Federal Communications Commission >Office of the Secretary >236 Massachusetts Avenue, NE, Suite 110 >Washington, DC 20002 (8:00 a.m. to 7:00 p.m. ET) >>If you are hand-delivering or messenger-delivering your appeal, please note the following:  
>Documents enclosed in envelopes will not be accepted. Any envelopes must be disposed of before entering the building. Hand deliveries must be held together with rubber bands or fasteners. >>If a request for confidential treatment is clearly indicated on the first page of the filing, the staff at the filing counter will enclose the filing in a Commission envelope labeled "confidential." >>Appeals and waiver requests may also be submitted electronically, either by the Electronic Comment Filing System (ECFS) or by fax. The FCC recommends filing with the ECFS to ensure timely filing. >  
>Instructions for using ECFS can be found on the ECFS page of the FCC web site. >  
>Items filed by fax must be faxed to 202-418-0187. The fax transmission should include a cover sheet listing contact name, phone number, and "if available" an e-mail address. We recommend that you retain a copy of your fax confirmation sheet for your records. >>If you have any further questions, please feel free to contact our Schools and Libraries Helpline at 1-888-203-8100. Please remember to visit our website for updates: <http://www.sl.universalservice.org> >>Thank you, >Schools and Libraries Division  
>Universal Service Administrative Company >>-----Original Message----- >>From: abadiasanantonioab8@hotmail.com >Subject: Initial Contact >>[FirstName]=Abad, Oscar >[LastName]=Rivera, OSB >[EmailAddress]=abadiasanantonioab8@hotmail.com >[WorkPhone]=7878521616 >[FaxPhone]= >[PreviousCaseNumber]=0 >  
>[FormType]=Discount >[Owner]=TCSB >[DateSubmitted]=3/26/2004 8:25:46 AM  
>[AttachmentFlag]=N[BenOrSpinNumber]=200272 >[ApplicantFormID]=SAN06002  
>[ApplicationNumber]=294102 >[FundingYear]=FY5 (07/01/2002 - 06/30/2003)  
>[WorksheetNumber]=3495308 >[Question2]=The 471 submitted by the school and posted at the SLD site in Block 4 at this moment is showing numbers different from the originally posted. When submitted and until March 3, 2004 Block 4 item 5 of the referenced 471 showed in NSLP Students 386, in item 8, weighted product 414. >>At this moment the Block 4 item 5 shows 200 and item 8 shows 276. >>Evidently those numbers were adjusted. It is important for us to know Why those numbers changed?, Who does it? and Why?

# Exhibit E



# Colegio San Antonio Abad

PO Box 729, Humacao, Puerto Rico 00792 • Teléfono (787) 852-1616 • Fax (787) 852-1920

April 28, 2004

From: Contact: Oscar Rivera, OSB  
Colegio San Antonio Abad  
PO Box 729

Humacao, Puerto Rico 00792

Fax: 787-852-1920

Email: abadiasanantonioab@hotmail.com

To: Letter of Appeal  
School and Libraries Division  
Box 125-Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

Fax: 973-59<sup>9</sup>~~p~~-6542

10 page

RE: Appeal  
Funding Year: 2002  
Applicant: Colegio San Antonio Abad  
BEN # 200272  
Application Number: 294102

## Esteem Administrator:

The Colegio San Antonio Abad is appealing decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company correcting the original percentage of discount under the schools and libraries universal service support mechanism known as "E-Rate Program".

**Background.** The Colegio San Antonio Abad is a non-profit educational institution credited by the Middle State Association of Colleges and Schools, established at the Municipality of Humacao since 1950. Colegio San Antonio Abad is an eligible entity for discount under the E-Rate Program<sup>1</sup>.

The SLD established as the primary measure for determining E-rate discounts is the percentage of students eligible for free and reduced - price lunch under the National School Lunch Program. The SLD also established mechanisms for determining the actual number of students eligible for reduced - price or free lunch based on their family income. Colegio San Antonio Abad adopted the actual count of students eligible for the national school lunch program mechanism conducting a family income survey.

Schools and Libraries Division  
Page 2  
April 28, 2004

On February 23<sup>rd</sup>, 2004 we were contacted by on of the SLD's reviewer for additional information to validate the original request of 90% of discount (Annex 1). An answer was provided within the seven days window period granted. (Annex 2). On March 01, 2004 a Funding Commitment Decision Letter was received with the following decision explanation: "The site specific discount was corrected (Annex 3). Funding cap will not provide for Internal Connections < 90% discount to be funded." Working on the principle that the explanation received was vague, we inquired for details. The given response explained that the information is reviewed by the Program Integrity Assurance person who reviewed our form determined the percentage based on the student account on the actual number of students that qualify for the NSLP through the survey that was

Argument. Assuming the SLD's basis for validating a 60% discount was that the Colegio San Antonio Abad's number of eligible students for reduced - price or free lunch under the National School Lunch Program is 200, the SLD has erred. The Colegio San Antonio Abad clearly answered the question regarding the number of students below the poverty level<sup>1</sup>, 386 (Annexes 2 & 3). This is also clearly shown in the table that summarizes the family income survey results. Colegio San Antonio Abad provided enough information to the reviewer that shows that the number of student eligible for reduced - price or free lunch under the National School Lunch Program is 386.

Analysis. In response to question 1.3 of Annex 1, Colegio San Antonio Abad answered "*El número de estudiantes que se encuentran bajo el nivel de pobreza es de 386 estudiantes*"<sup>2</sup> and goes on explaining that the 386 number was a projection of the survey results. The explanation on how the projection was calculated may be ambiguous, but it was not necessary. The explanation was given with the intention of clarifying the procedure used by the school, but not to create confusion. The SLD clearly establishes and exemplifies the projection procedures at <http://www.sl.universalservice.org/reference/alt.asp#7>.

Colegio San Antonio Abad counts with an enrollment of 460. The survey was given to those 460 students, 238 filed in the survey, which represents a fifty two percent of the

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<sup>1</sup> Although the SLD language always refer to qualification for "reduced - price and free lunch under the National School Lunch Program", in this communication the expression "*por debajo del nivel de pobreza*" that translates to "*below poverty level*" was used.

<sup>2</sup> The answer was given in the same language as requested.



Schools and Libraries Division  
Page 3  
April 28, 2004

whole student body, overcoming the fifty percent required by the SLD. From the 238 student that participated, 200 students, representing an 84%, were eligible for reduced or free lunch under the National School Lunch Program. Following the projection rule (<http://www.sl.universalservice.org/reference/alt.asp#7>) we can conclude that 84% of the total student population (386) qualifies for the reduced - price and free lunch program.

Utilizing the discount matrix (<http://www.sl.universalservice.org/reference/dmatrix.asp>) the SLD utilizes to calculate the discount; Colegio San Antonio Abad is eligible to receive a 90% discount.

**Conclusion.** We conclude that the SLD erred in analyzing the information provided in response to the question, what is the number of students under the poverty level? In the event that the information provided did not clearly stated the 90% discount, the SLD did not requested additional information to clarify the issue. For all the reasons set out above, Colegio San Antonio Abad respectfully request the SLD to grant this appeal and reissue a new FCDL granting a 90% discount.

Sincerely,

+ Oscar Rivera, OSB

Abad Oscar Rivera, OSB  
Director CSAA

## Annex 1

Feb-23-2002 11:54am From-

1-973 9.001/001

Sr. Oscar Rivera  
Colegio San Antonio Abad

RE: Solicitud # 294102

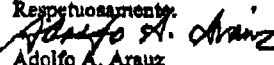
Estimado Sr. Rivera:

Hemos comenzado la revisión de esta solicitud al Programa E-Date para el año 2002-2003 cual el Colegio San Antonio Abad ha iniciado por medio del Consorcio de Bibliotecas y Colegios Privados de la Isla.

Para seguir adelante con este proceso precisamos lo siguiente:

1. -el número total de estudiantes matriculados para el año que acaba de terminar 2001-02.  
-el número de estudiantes (mayores de pre-K) que participan y aparecen en el informe del comedor **POR CADA NIVEL**, exceptuando los guardianes, profesores, etc.
- el número de estudiantes que se encuentran por debajo del nivel de pobreza.  
(no porcentajes, Por Favor.)
- Y, si la entidad se encuentra en zona urbana o rural
2. Una copia ejemplar del estudio socioeconómico, en cual no aparezca el nombre del docente, sino el resto de la información. Una hoja con su ensabozamiento (membrete), el sello y su firma.
3. -el programa precisa conocer aproximadamente cuantos usuarios juveniles (mayores de pre-K) usaran los servicios solicitados o contratados con Neveson, Inc.
4. Finalmente, precisamos la factura mensual telefonica en cual su entidad ha basado su pedido de fondos para gastos telefonicos.

Todos informes deben ser enviados hacia SLD durante los proximos siete (7) dias o tendre que seguir adelante con los datos que tengo a mi disposicion actualmente. Reconozco que lo pedido sea muy elaborado, pero su ayuda nos habilitara la distribucion de fondos a esta entidad. Si Utd. tiene alguna inquietud o pregunta, no se haga problema de comunicarse conmigo lo cuanto antes.

Respetuosamente,  
  
Adolfo A. Arauz  
Schools & Libraries  
Program Integrity Assurance  
PH 1-973-428-7356  
Fax 1-973-599-6521

This is the question related to the number of students below the poverty level. Actually the language used by the SLD is *students that qualify for reduced-price and free lunch under the national School Lunch Program.*

## Annex 2



# Colegio San Antonio Abad

PO Box 729, Humacao, Puerto Rico 00792 • Teléfono (787) 852-1616 • Fax (787) 852-1920

Sr. Adolfo A. Araúz,  
School & Libraries,  
Program of Integrity Assurance  
Ph 973-428-7356  
Fax 973-599-6521

This is the answer to question related to  
the number of students below the poverty

Re: Solicitud # 294102

Estimado Sr. Araúz:

¡Paz! Respondemos a su petición de documentos en la revisión de nuestra solicitud al Programa de E-rate para el año 2002-2003.

1

1.1 El número de estudiantes matriculados para el año 2001-2002: 460 estudiantes, 226 en la escuela intermedia y 234 en la escuela superior.

1.2 Esta información no aplica ya que no solicitamos bajo la razón de comedores escolares

1.3 El número de estudiantes que se encuentra bajo el nivel de pobreza es de 386 estudiantes

Esto es calculado, ya que hicimos la encuesta y participaron 238 estudiantes (de 460), o sea, un 52% de los estudiantes. De los cuales el 84% está bajo el nivel de pobreza.

1.4 La entidad está en zona rural.

2. Adjunto le damos una copia ejemplar del estudio socioeconómico, una copia del Colegio con el encabezamiento y el sello del Colegio y con mi firma (o sea dos hojas en total, de las cuales la última tiene todos los últimos detalles pedidos)

3. Usuarios juveniles usarán los servicios solicitados con Nevessem, Inc.: entre 452 y 465 estudiantes, ya que pudéramos tener un aumento en la matrícula.

4. Adjunto la factura mensual telefónica en la que basamos el pedido de fondos para gastos telefónicos

Queda de usted,

+ Oscar Rivera, OSB  
Abad Oscar Rivera, OSB  
Director CSAA

COLEGIO CO-EDUCACIONAL INTERMEDIA Y SUPERIOR • MONJES BENEDICTINOS

## Annex 3

**Tabulación de encuesta Estudio Socio-económico  
Colegio San Antonio Abad 2001-2002**

Ingr./Familia	2 /1	3 /1	3 /2	4 /1	4 /2	5 /1	5 /2	6 /1	6 /2	7 /1	7 /3	8 /1	Total y Porcentaje
0-20,8138	9	16	1	9	5	5	4	1	1	2	1		67 -28%
20,814	3	9	1	13									27 -11%
26,179		10	1	16	3	4		1	1			1	42 -18%
31,354				25	4	4			2				41 -17%
36,909				1		2	6		4				23 -10%
42,274				1			1						2 -1%
47,639			1			1	1						4 -2%
Sobre 53,004		2		9	6	7	1						32 -13%
Familias	12	37	3	74	13	23	13	2	8	2	1	1	189 fam 239 est.

1. Ing. Ingreso o Income, Familia, por familia

Projection number (200) utilized to  
calculate the number of students that  
qualify for reduced - price and free

Projection number (38)  
students that does not  
qualify for reduced - price  
and free lunch

**Aclaración:** Son 460 estudiantes, respondieron 238, o sea, un 52% : 84% en nivel de pobreza y el 16 sobre nivel de pobreza

## Annex 4

471 Information

Page 2 of 4

## Block 4: Worksheets

Worksheet A No: 349538		Student Count: 460	
Weighted Product (Sum Column 5): 275		Shared Discount: N/A	
1. School Name: Colegio San Antonio Abad			
2. Entity Number: 200272		3. Rural/Urban: Urban	
4. Student Count: 460	5. NSLP Students: 200	6. NSLP Students/Students: 43.475%	
7. Discount: 50%	8. Weighted Product: 275		

## Block 5: Discount Funding Request(s)

FRN: 752952 PCDL Date: 03/01/2004	
11. Category of Service: Telecommunications Service	12. 478 Application Number: 751820000375798
13. SPIN: 143012431	14. Service Provider Name: Puerto Rico Telephone Company, Inc.
15. Contract Number: T	16. Billing Account Number: 787-852-1818
17. Allowable Contract Date: 12/10/2001	18. Contract Award Date:
19a. Service Start Date: 07/01/2002	19b. Service End Date: 08/30/2003
20. Contract Expiration Date:	
21. Attachment #: 1	22. Block 4 Entity Number: 200272
23a. Monthly Charges: \$500.00	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$500.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$6,000.00	
23f. Annual non-recurring (one-time) charges: \$0.00	23g. Ineligible non-recurring amt.: \$0.00
23h. Annual pre-discount amount for eligible non-recurring charges (23f + 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$6,000.00	
23j. % discount (from Block 4): 50	
23k. Funding Commitment Request (23i x 23j): \$3,000.00	

FRN: 752956 PCDL Date: 03/01/2004	
11. Category of Service: Internet Access	12. 478 Application Number: 751820000375798
13. SPIN: 143022659	14. Service Provider Name: A New Vision in Educational Services and Materials (NEVESEM)
15. Contract Number: MTM	16. Billing Account Number: SAN02008
17. Allowable Contract Date: 12/10/2001	18. Contract Award Date:
19a. Service Start Date: 07/01/2002	19b. Service End Date: 08/30/2003

# Exhibit F



**Universal Service Administrative Company**  
**Schools & Libraries Division**

**Administrator's Decision on Appeal - Funding Year 2002-2003**

October 13, 2004

Oscar Rivera, OSB  
 Colegio San Antonio Abad  
 P. O. Box 729  
 Humacao, Puerto Rico 00792

Re: Billed Entity Number: 200272  
 471 Application Number: 294102  
 Funding Request Number(s): 752952, 752956, 752962  
 Your Correspondence Dated: April 28, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year 2002 Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 752952, 752956, 752962  
Decision on Appeal: Denied in full  
Explanation:

- On appeal, you are seeking reversal of SLD's decision to reduce your discount rate from the requested 90% to 60%. Your appeal letter states that an error was made in identifying the correct number of students that qualify for reduced-price and free lunch. The school clearly answered the question regarding the number of students below the poverty level, which was 386. The school has an enrollment of 460 students which were surveyed. Of the total, 238 or 52% of the students completed the survey. From that 238, 200 or 84% were determined to be eligible for free and reduced lunch. The school then extrapolated that percentage to the entire student body, as over 50% of the surveys were completed. You are requesting that SLD use those figures to calculate the discount and reissue the commitment letter with a 90% discount.

- Upon review of the appeal letter and all supporting documentation, it has been determined that the SLD acted properly in reducing the discount. The survey you used in support of the 90% discount failed to meet the minimum requirements as outlined on the USAC website. Specifically, the requirements are that the survey must be sent to all families whose children attend the school, the survey must attain a return rate of at least 50% and the survey must, at a minimum, contain the following information: address of family, grade level of each child, size of the family and income level of the parents. The survey you submitted was blank and also failed to include a request for the address of the family and the grade level of each child. The documentation provided on appeal does not demonstrate that SLD erred in its original decision.
- You indicated on your Form 471 that your discount eligibility is 90% based upon the number of students that participated in the student lunchroom during the school year. FCC rules provide that the discount available to an applicant is determined by indicators of poverty and high cost. *See* 47 C.F.R. § 54.505(b). The level of poverty is measured by the percentage of students enrolled in a school or school district that are eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism contained in Title I of the Improving America's Schools Act, codified at 34 C.F.R. § 200.28(a)(2)(I)(B). *See* 47 C.F.R. § 54.505(b)(1). Alternatively, the level of poverty is measured according to participation in Medicaid, food stamps, Supplementary Security Income (SSI), federal public housing assistance or Section 8, or Low Income Home Energy Assistance Program (LIHEAP). *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, FCC 97-157 n.1334 ¶ 374 (rel. May 8, 1997). The high cost determination is made pursuant to rules according to which a school or library is classified as rural or urban. *See* 47 C.F.R. § 54.505(b)(3). An applicant's discount rate is determined by reference to a matrix based upon the level of poverty and whether a school is classified as rural or urban. *See* 47 C.F.R. § 54.505(c).
- SLD's review of your application determined that your discount eligibility percentage was not supported by appropriate documentation. Consequently, SLD denies your appeal.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the Federal Communications Commission (FCC). For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of



the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

# Exhibit G

**5. Low Income Home Energy Assistance Program**

Participation in Temporary Assistance for Needy Families (TANF) is an acceptable alternative measure of poverty ONLY IF the family income of participants is at or below the IEG for NSLP. Similarly, participation in need-based tuition assistance programs is acceptable if the family income of participants is at or below the IEG for NSLP.

**5. Existing sources**

Schools may also use existing sources of data which measure levels of poverty, such as TANF or need-based tuition assistance programs. However, these measures are acceptable for E-rate purposes only if the family income of participants is at or below the IEG for NSLP.

**6. Matching siblings**

The siblings of a student in a school that has established that the student's family income is at or below the IEG for NSLP may also be counted as eligible for E-rate purposes by the respective schools the siblings attend. For example, an elementary school has established, through a survey, that a student's family income is at or below the IEG for NSLP. That student has a brother and a sister who attend the local high school. The high school may use the status of the elementary school sibling to count his high school siblings as eligible for E-rate purposes, without collecting its own data on that family.

**7. Projections based on surveys**

If a school has sent a questionnaire to all of its families, and if it receives a return rate of at least 50 percent of those questionnaires, it may use that data to project the percentage of eligibility for E-rate purposes for all students in the school. For example, a school with 100 students sent a questionnaire to the 100 homes of those students, and 75 of those families returned the questionnaire. The school finds that the incomes of 25 of those 75 families are at or below the IEG for NSLP. Consequently, 33 percent of the students from those families are eligible for E-rate purposes. The school may then project from that sample to conclude that 33 percent of the total enrollment, or 33 of the 100 students in the school, are eligible for E-rate purposes.

**8. Unacceptable alternative mechanisms**

The following alternative measures of poverty are NOT acceptable for determining E-rate discounts. They rely on projections rather than on the collection of actual data:

- a. Feeder school method. This method projects the number of low-income students in a middle or high school based on the average poverty rate of the elementary school(s)